

CONFERENCE COMMITTEE REPORT DIGEST FOR SB 526

Citations Affected: IC 2-5; IC 16-28.

Synopsis: Health facilities. Allows an allegation of a breach at a health facility to be made orally. Requires the state department to investigate all allegations of a breach. Requires the state department to operate an informal health facility dispute resolution program. Requires state department of health survey inspectors to categorize each breach by a health facility into one of four categories described in federal law. Specifies the informal dispute resolution panel members. Increases the amount of fines that the commissioner of the state department of health may impose for breaches by health facilities. Allows the state department of health to deduct from any fine the amount of funds expended by the health facility to retain a consultant or other health care professional approved by the state department of health to assist the health facility in correcting a breach. Specifies that the commissioner may impose a penalty for each violation or repeat of a violation. Limits to 90 the total number of consecutive days that the commissioner may suspend new admissions to a health facility. Provides that the state department of health may not collect fines under both state and federal law from certain health facilities. Requires the health finance commission to study certain topics. (This conference committee report: (1) requires the state department to operate an informal health facility dispute resolution program; (2) requires the health finance commission to study certain topics; and (3) changes certain effective dates.)

Effective: Upon passage; July 1, 1999; September 1, 1999.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 526 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 2, line 2, delete "[EFFECTIVE JULY 1, 1999]" and insert
- 2 "[EFFECTIVE SEPTEMBER 1, 1999]".
- 3 Page 2, line 24, delete "[EFFECTIVE JULY 1, 1999]" and insert
- 4 "[EFFECTIVE SEPTEMBER 1, 1999]".
- 5 Page 3, line 6, delete "[EFFECTIVE JULY 1, 1999]" and insert
- 6 "[EFFECTIVE SEPTEMBER 1, 1999]".
- 7 Page 4, line 10, after "both." insert **"However, the state**
- 8 **department may not impose a fine in excess of five thousand**
- 9 **dollars (\$5,000) for an isolated level 3 violation unless a breach**
- 10 **involves serious injury or death to a resident."**
- 11 Page 5, delete lines 20 through 42, begin a new paragraph and
- 12 insert:
- 13 "SECTION 9. IC 16-28-5-12 IS ADDED TO THE INDIANA CODE
- 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 15 SEPTEMBER 1, 1999]: **Sec. 12. (a) Pursuant to 42 CFR 488.331, the**
- 16 **commissioner shall provide a health facility with an informal**
- 17 **opportunity, at the facility's request, to dispute survey findings**
- 18 **upon the facility's receipt of the official statement of deficiencies.**
- 19 **A health facility must submit a request in writing for an informal**
- 20 **opportunity to dispute survey findings to the state health**
- 21 **commissioner not more than ten (10) days after the date the health**
- 22 **facility has receipt of the official statement of the deficiencies.**
- 23 **(b) Failure to complete a timely informal dispute resolution may**
- 24 **not delay the effective date of any enforcement action against the**
- 25 **health facility.**

(c) The health facility may not seek a delay of any enforcement action against it on the grounds that the informal dispute resolution has not been completed before the effective date of the enforcement action.

(d) An informal dispute resolution decision issued under this section may not be appealed. However, the following may occur:

(1) A facility may continue to challenge the survey findings in dispute in a current or a subsequent administrative proceeding that challenges an action by the state department.

(2) The state department may challenge a decision, under IC 4-21.5, if the health care or safety of a resident at a health facility is in immediate jeopardy.

(e) The legislative council or a legislative body designated by the legislative council shall:

(1) review and oversee the informal dispute resolution process required by this section; and

(2) hold meetings and accept public testimony as necessary to review and oversee the process."

Page 6, delete lines 1 through 5.

Page 6, line 7, delete "interim study committee on" and insert **"health finance commission (IC 2-5-23)."**

Page 6, delete line 8.

Page 6, line 13, delete "interim study committee on health facilities is" and insert **"committee shall"**.

Page 6, line 14, delete "established to".

Page 6, line 15, delete "The establishment of minimum staffing" and insert **"Staffing"**.

Page 6, line 16, delete "levels".

Page 6, line 17, delete "must".

Page 6, delete lines 23 through 42, begin a new paragraph and insert:

"(e) This SECTION expires November 1, 1999."

Page 7, delete lines 1 through 33.

Renumber all SECTIONS consecutively.

(Reference is to ESB 526 as reprinted April 13, 1999.)

Conference Committee Report
on
Senate Bill 526

Signed by:

Senator Miller

Representative Day

Senator Lewis

Representative Frizzell

Senate Conferees

House Conferees